

milepost 86.0, a point west of St. Cloud, in Stearns County, MN.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 380 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 48 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on September 28, 1990 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issue,<sup>1</sup> formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking statements under 49 CFR 1152.29 must be filed by September 10, 1990.<sup>3</sup> Petitions for reconsideration and requests for public use conditions under 49 CFR 1152.28 must be filed by September 18, 1990, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Jill M. Hawken, Weiner, McCaffrey, Brodsky, Kaplan & Levin, P.C., 1350 New York

<sup>1</sup> A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

<sup>2</sup> See *Exempt. of Rail Abandonment—Offers of Finon. Assist.*, 4 I.C.C. 2d 164 (1987).

<sup>3</sup> The Commission will accept a late-filed trail use statement so long as it retains jurisdiction to do so.

Avenue NW., Suite 800, Washington, DC 20005-4797.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by August 31, 1990. Interested persons may obtain a copy of the EA from SEE by writing to it (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 275-7684. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: August 23, 1990.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 90-20399 Filed 8-28-90; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF JUSTICE

### Lodging of Consent Decree

In accordance with Section 122 of the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622, and the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that a complaint styled *United States v. Beazer East Inc.*, was filed in the United States District Court for the Southern District of Texas on July 30, 1990, and, simultaneously, a consent decree was lodged with the Court in settlement of the allegations in the complaint. This consent decree settles the government's claims in the complaint pursuant to sections 106 and 107 of CERCLA, 42 U.S.C. 9606, 9607, for injunctive relief to abate an imminent and substantial endangerment to the public health, welfare of the environment because of actual or threatened releases of hazardous substances from a facility, and for the recovery of response costs incurred by the United States with respect to a facility located northeast of Houston, Texas known as the "South Cavalcade Site." The complaint alleged, among other things, that the defendant is a

person who owned or operated a facility at which hazardous substances were disposed of, and that the United States has incurred and will continue to incur response costs in response to the release or threat of release of hazardous substances from the Site.

Under the terms of the proposed consent decree, the defendants agree to fund and implement a remedy at the South Cavalcade Site which includes soil washing and in situ soil flushing for soil remediation and physical/chemical separation followed by filtration and activated carbon absorption for remediation of contaminated ground water. As an alternative remediation plan, EPA will allow the use in situ biological treatment of soil and groundwater, provide that the defendant can demonstrate that this remedial method will provide equal or better protection than the selected remedy. The consent decree also calls for the defendant to pay the United States the sum of \$500,000.00 for past response costs incurred by the Government and to pay for all future response and oversight costs incurred by the government and related to the remedial action to be undertaken at the Site.

The Department of Justice will receive comments relating to the proposed consent decree for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, 10th and Pennsylvania Avenue, NW., Washington, DC 20530. All comments should refer to *United States v. Beazer East Inc.*, D.J. Ref. 90-11-2-535.

The proposed consent decree may be examined at the Environmental Enforcement Section Document Center, 1333 F Street, NW., Suite 600, Washington, DC 20004, 202-347-7829. A copy of the proposed consent decree may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of \$12.75 (25 cents per page reproduction costs) payable to Consent Decree Library. The proposed Consent Decree may also be reviewed at the Environmental Protection Agency:

### EPA Region VI

Contact: Marvin Benton, Office of Regional Counsel, U.S. Environmental Protection Agency, Region VI, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 655-2120; and the Office of the United States Attorney, Courthouse and

912755



Federal Building, 515 Rusk Avenue,  
Third Floor, Houston, Texas 77002.

**Richard B. Stewart,**

*Assistant Attorney General, Environment and  
Natural Resources Division.*

[FR Doc. 90-20298 Filed 8-28-90; 8:45 am]

BILLING CODE 4410-01-M

#### **Lodging of Consent Decree Pursuant to the Clean Air Act**

In accordance with Departmental policy at 28 CFR 50.7, notice is hereby given that on August 20, 1990, a proposed consent decree in *United States v. Innerspace Environmental Services, Inc. and HJW Industrial, Inc.*, Civil Action No. 90-2298-V, was lodged with the United States District Court for the District of Kansas. The complaint filed by the United States alleged violations by the defendant of the Clean Air Act and the National Emission Standard for Hazardous Air Pollutants (NESHAP) for asbestos. The complaint sought injunctive relief and civil penalties for past violations. The proposed consent decree requires defendants to comply with the Clean Air Act and the asbestos NESHAP in the future and to provide 30 days written notice to the U.S. Environmental Protection Agency, Region VII in advance of engaging in future asbestos abatement activities. The decree also imposes a \$1,000 civil penalty for past violations of the Act and the Standard.

For the period of thirty (30) days from the date of this publication, the Department of Justice will receive comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Innerspace Environmental Services, Inc. and HJW Industrial, Inc.*, Department of Justice reference number 90-5-2-1-1262.

The proposed consent decree may be examined at the Office of the United States Attorney, 385 Federal Building, 444 Quincy Street, Topeka, Kansas 66683 and at the Region VII Office of the Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101. The proposed consent decree may also be examined at the Environmental Enforcement Section Document Center, 1333 F Street, NW., Suite 600, Washington, DC 20004, (202) 347-7829. A copy of the proposed consent decree may be obtained in person or by mail from the Document Center. In requesting a copy please enclose a check in the amount of \$2.50 (25 cents per page reproduction costs) payable to "Consent

Decree Library." When requesting a copy, please refer to *United States v. Innerspace Environmental Services, Inc. and HJW Industries, Inc.*, Department of Justice 90-5-2-1-1262.

**Richard B. Stewart,**

*Assistant Attorney General, Environment and Natural Resources Division.*

[FR Doc. 90-20297 Filed 8-28-90; 8:45 am]

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#### **Drug Enforcement Administration**

##### **Manufacturer of Controlled Substance Application; Abbott Laboratories**

Pursuant to § 1301.43(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on June 15, 1990, Abbot Laboratories, 14th Street and Sheridan Road, ATTN: Customer Service D-345, North Chicago, Illinois 60064, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug:	Schedule
Dextropropoxyphene, bulk (non-dosage forms) (9273) .....	II
Sufentanil (9740) .....	II
Fentanyl (9801) .....	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than September 28, 1990.

Dated: August 20, 1990.

**Gene R. Halslip,**

*Deputy Assistant Administrator, Office of  
Diversion Control, Drug Enforcement  
Administration.*

[FR Doc. 90-20289 Filed 8-27-90; 8:45 am]

BILLING CODE 4410-09-M

##### **Importation of Controlled Substances; Application; Mallinckrodt Specialty Chemicals Co.**

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the

Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of title 21, Code of Federal Regulations (CFR), notice is hereby given that on January 24, 1990, Mallinckrodt, Specialty Chemicals Company, Mallinckrodt & Second Streets, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substance in Schedule II.

Drug:	Schedule
Raw opium (9600) .....	II
Opium poppy (9650) .....	II
Concentrate of Poppy Straw (9670) .....	II
Coca leaves (9040) .....	II

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic classes of controlled substance may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than September 28, 1990.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42(b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registrations to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42(a), (b), (c), (d), (e), and (f) are satisfied.